

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED that the Motion to Dismiss is GRANTED, the Motion to Vacate, Set
Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is DENIED, and the
motion is stricken from the active docket of the court. Based upon the court's finding
that the defendant has not made the requisite showing of denial of a substantial right,
a certificate of appealability is DENIED.

ENTER: May 7, 2010

/s/ JAMES P. JONES
Chief United States District Judge